

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: David M. Abramson, Planner I

SUBJECT: Plat, P 5-1-03 La Tierra de Monsterra Deliciosa Plat, 6838 S.W. 43rd Court/
generally located on the south side of S.W 43rd Court, approximately 1900'
west of S.W. 68 Avenue.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PLAT KNOWN AS LA TIERRA DE MONSTERRA DELICIOSA AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The applicant requests approval of the resolution for the proposed plat to be known as the La Tierra De Monsterra Deliciosa Plat. The subject site consists of 1.861 acres (81,073 square feet). The plat note shall be restricted one (1) single-family unit. Access onto the property is via S.W. 43rd Court, which is located at the northeast boundary. Within the property, along the southern boundary is 10' Utility Easement. In addition, a 6' Utility Easement is along the western boundary located outside the property.

PREVIOUS ACTIONS: None

CONCURRENCES: At the January 28, 2004 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve (Motion carried 4-0, Mr. Stevens absent).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions must be met:

1. Sufficient capacity of the regional road network, as determined by Broward County. In the event that sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
2. Provide the Planning and Zoning Division a mylar copy of the plat upon recordation.

Attachment(s): Resolution, Planning Report, Plat, Future Land Use Plan Map, Zoning and Aerial Map

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PLAT KNOWN AS LA TIERRA DE MONSTERRA DELICIOSA AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed plat to be known as La Tierra de Monsterra Deliciosa was considered by the Town of Davie Planning and Zoning Board on January 28, 2004;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat known as La Tierra de Monsterra Deliciosa is hereby approved subject to the conditions stated on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2004.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2004.

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation



Applicant Information

Owner:

Name: Robert Martinez
Address: 611 S.W. 96th Avenue
City: Pembroke Pines, FL 33025
Phone: (954) 435-5285

Agent:

Name: David Kause
Address: 11550 N.W. 21st Street
City: Plantation, FL 33323
Phone: (954) 472-1031

Background Information

Application History: No deferrals have been requested.

P & Z Board Recommendation: At the January 28, 2004 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve (Motion carried 4-0, Mr. Stevens absent).

Application Request: Approval of the La Tierra de Monsterra Deliciosa Plat.

Address/Location: 6838 S.W. 43rd Court/ generally located on the south side of S.W 43rd Court, approximately 1900' west of S.W. 68 Avenue.

Future Land Use Plan Map: Residential 3 DU/Acre

Existing Zoning: R-3, Low Density Dwelling District

Proposed Zoning: A-1, Agricultural District

Existing Use: Vacant, Agricultural

Proposed Use: Single Family Residential Unit

Parcel Size: 1.861 acres (81,073 square feet)

Surrounding Future Land:

| | Surrounding Uses: | Land Use Plan Designations: |
|---------------|--------------------------|------------------------------------|
| North: | Residential | Residential 3 DU/Acre |
| South: | Residential/Office | Residential 3 DU/Acre |
| East: | Residential | Residential 3 DU/Acre |
| West: | Fire Station | Community Facility |

Surrounding Zoning:

North: R-3, Low Density Dwelling District
South: R-3, Low Density Dwelling District
East: R-3, Low Density Dwelling District
West: CF, Community Facility

Zoning History

Related Zoning History:

A Rezoning Request, (ZB 9-1-84 Wolf) rezoning the adjacent 1.13 acres to the south from A-1, Agricultural District to RO, Residential/Office District was approved by Town Council on September 5, 1984.

Previous Request on same property:

A Rezoning Request, (ZB 9-1-01, Asseff/Wolf) rezoning the property from A-1, Agricultural District to R-3, Low Density Dwelling District was approved by Town Council on January 2, 2002.

Applicable Codes and Ordinances

Article XII of the Land Development Code, Subdivisions and Site Plans.

Section 12-360(B) (1) of the Land Development Code, platting requirements.

Section 12-366.1 (A) thru (D) Submission requirements for plats.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 99. Development of the subject site will require satisfying Broward County platting requirements.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2: The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Uses portion of the Implementation Section.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The applicant's submission indicates the following:

1. *Site:* The subject site consists of 1.861 acres (81,073 square feet).
2. *Restrictive Note:* The plat is restricted to one (1) single-family unit.
3. *Access:* Access onto the property is via S.W. 43rd Court, which is located at the northeast boundary.
4. *Easements and Reservations:* Within the property, along the southern boundary is 10' Utility Easement. In addition, a 6' Utility Easement is along the western boundary located outside the property.

Staff Analysis and Findings of Fact

Originally, the parcel was part of the Old Everglade land sales. A mixed-use, residential and office structure was developed along the southern portion of the approximate three-acre subdivided parcel. The applicant purchased and intends on utilizing the remaining northern lot to construct of a new single-family home on this unrecorded parcel. Platting is required for single-family homes when there is no existing lot of record by Broward County Land Development Regulations. Staff finds that the proposed plat is consistent with the Town of

Davies' Comprehensive Plan and Land Development Code as it relates to access, location, and size.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions must be met:

1. Sufficient capacity of the regional road network, as determined by Broward County. In the event that sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
2. Provide the Planning and Zoning Division a mylar copy of the plat upon recordation.

Planning and Zoning Board Recommendation

At the January 28, 2004 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve (Motion carried 4-0, Mr. Stevens absent).

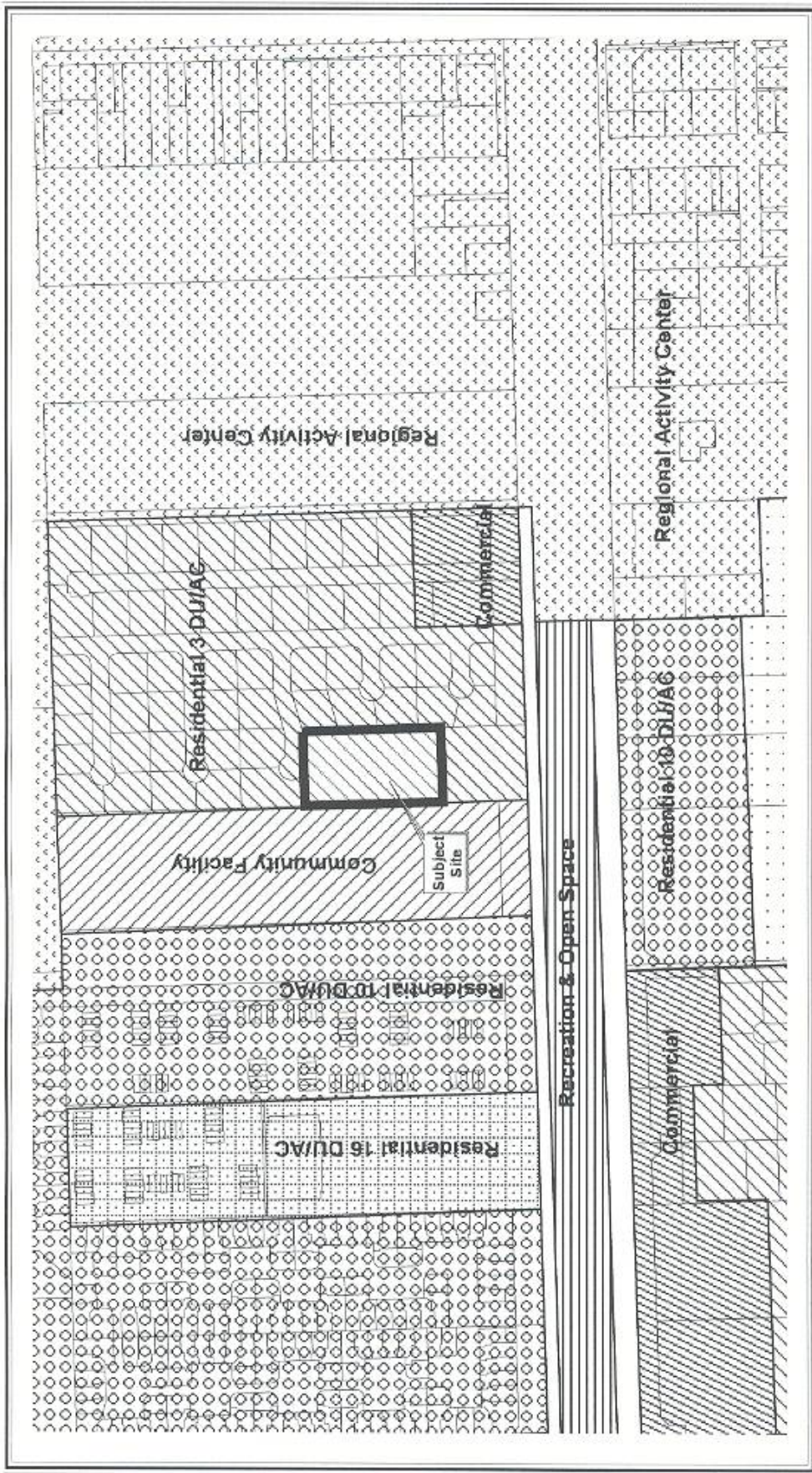
Town Council Action

Exhibits

1. Plat
2. Future Land Use Plan Map
3. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____



Date Flown:
12/31/00



300 0 300 600 Feet

Planning & Zoning Division - GIS



Plat Application **P 5-1-03, La Tierra De Monsters Deliciosa** **Subject Site and Future Land Map**

Prepared By: D.M.A.
Date Prepared: 1/14/04



Date Flown:
12/31/00



300 0 300 600 Feet

Planning & Zoning Division - GIS



Plat Application **P 5-1-03, La Tierra De Monsters Deliciosa** **Subject Site, Aerial, and Zoning Map**

Prepared By: D.M.A.
Date Prepared: 1/14/04